ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising from Federal Communications Commission triennial UNE review: Local Circuit Switching for Mass Market Customers.	DOCKET NO. 030851-TP **Filed: January 7, 2004**

REBUTTAL TESTIMONY OF MARK NEPTUNE ON BEHALF OF SUPRA TELECOMMUNICATIONS AND INFORMATION SYSTEMS, INC.

SUBMITTED

JANUARY 7, 2004

I. INTRODUCTION, PURPOSE, AND SUMMARY OF TESTIMONY.

Q. PLEASE STATE YOUR FULL NAME, POSITION, AND BUSINESS ADDRESS.

A. My name is Mark Neptune. I am employed by Supra Telecommunications and Information Systems, Inc. ("Supra Telecom") as Vice-President Network Engineering & Operations.

My business address is 2620 SW 27th St.; Miami, FL 33133.

Q. PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND, WORK EXPERIENCE AND PRESENT RESPONSIBILITIES.

A. I graduated from Glendale Community College of Glendale, Arizona and attended the University of Texas. I have been in Telecommunications since 1966 and in Engineering and/or Operations management since 1981. Since 1981, I have engineered, built and operated domestic and international long distance networks for four companies, one of which I partially owned. I have also consulted for a packet data company and managed a Florida based ISP. I have been the Regulatory vice-president or subject matter expert in three long distance companies, including Teltec Savings Communications, LDI and STSJ/Trescom.

I have submitted testimony and/or testified before the Florida Public Service Commission, the New York Public Utilities Commission, the FCC and the Communications Commission of France (ART).

Q. ON PAGE 2, LINE 13, AINSWORTH (BELLSOUTH WITNESS) CLAIMS THAT IT HAS DEMONSTRATED THAT IT OFFERS A PROVEN, SEAMLESS AND HIGH QUALITY HOT CUT PROCESS, IS THIS TRUE?

A. No it is not true. BellSouth has not demonstrated a proven, seamless or high quality hot cut process. During the month of November 2003 when Supra Telecom converted over 2400 customers from UNE-P to UNE-L, those customers experienced No Dial Tone (NDT) on the date of conversion between 4-5% of the time and could not receive calls for a period of four (4) hours or more 47% of the time. This trend has continued into December 2003 and this evidence does not reflect a seamless or high quality process.

What's more, the BellSouth processes in place to rectify NDT and incoming calls problems do not lend themselves to timely resolution of these troubles. For example, a customer experiencing NDT upon cutover can typically expect a twenty-four hour window for repair. These service disruptions have influenced the customer's perception of Supra Telecom's ability to provide quality service and resulted in migrations away from Supra Telecom to other carriers. Issues with number portability can and do result in a customer's inability to receive incoming calls for unacceptable periods of time, up to five days. Additionally, the incoming calls issue becomes more problematic when a telephone number has been "ported in error" due to a missed appointment or cancellation. BellSouth's current process requires Supra Telecom to submit a supplement (SUP) to the LSR and fax Form RF-3654 *(CLEC Port in Error Referral For Local Carrier Service Center).* Further, SUP LSR must be sent to BellSouth® LCSC and revised FOC received by CLEC prior to CLEC sending a Modify Subscription Version (SV) to NPAC. Meanwhile, no incoming calls can terminate to the customer's telephone number. Overall, when there is a problem, the current processes do not provide for timely restoration of service.

As Supra has described in its direct testimony, BellSouth's "Batch Hot Cut Process" is in fact mis-labeled. It is a batch pre-ordering/pre-qualification process that is not efficient in the least. In fact, it adds up to 14 days to the process, leads to numerous conversion rejects or increased conversion costs and culminates in the submission of a tab delimited text file. The Batch Request is initially submitted to BellSouth as an Excel spreadsheet. BellSouth responds to Supra via the Excel spreadsheet. When Supra is ready to issue the Batch Request, we must reformat the request into a tab delimited text file to upload into the Local Exchange Network System (LENS), in lieu of the spreadsheet.

The evidence outlined above demonstrates that BellSouth does NOT have a proven, seamless, and much less any system that could be characterized as high quality.

Q. IS THE INTER-CARRIER PROCESS OF CONVERSION FROM UNE-P TO UNE-L AS NON-COMPLEX AS CLAIMED BY BELLSOUTH?

A. The process is much more complex. On page 3, line 5, of Ainsworth's Direct Testimony, BellSouth glosses over the complexity of a conversion from UNE-P to UNE-L by focusing on the simple physical act of moving a distribution frame jumper from the BST switch to that of the CLEC. The inter-carrier process also includes the porting of the customer's telephone number ("TN") via the LNP process. Porting of the number and in many cases the assignment and cross-connection of new F1 loops or UDLC facilities to existing F2 copper loops are the more complex and problematic processes. These have proven to be the processes that cause the most customer disruption and out of service (OOS) incidents.

Q. DOES BELLSOUTH LIMIT CONVERSIONS, PER DAY, PER CENTRAL OFFICE?

A. Yes, BellSouth does impose limitations on the number of conversions allowed per day per central office. On page 4, line 1, of Ainsworth's Direct Testimony, BellSouth claims that they can and have performed high volumes of conversions with a high degree of accuracy. Yet despite this claim, BellSouth limits Supra's conversions to 150 per central office, per day. This may be considered high volume in central offices with a few hundred or thousand existing UNE-P customers but in some COs with 26,000 UNE-P customers, it comprises 174 working days or approximately eight (8) months to complete the conversion. In the case of simple copper loop conversions, the move of the jumper can occur without much complexity, but as we have stated and will illustrate this is the easy part of the conversion.

Q. WHAT DOES THE EVIDENCE SHOW REGARDING THE EFFICIENCY OF THE BATCH HOT CUT OR BULK MIGRATION PROCESS?

A. Contrary to Ainsworth's assertions on page 5, line 1 of his Direct Testimony, the Batch Hot Cut or Bulk Migration process is only a batch pre-qualification process for the conversion of numbers of UNE-P customers in a central office. The only identifiable ordering efficiencies gained, from the present BellSouth process, are that any orders BellSouth deems ineligible for conversion as SL-1 are identified and either removed from the conversion process or upgraded at BellSouth's insistence to more costly SL-2 coordinated conversions. Each line is identified and related to the batch with a project number. This process adds 14 or more days to the process (see Exhibit A). Of the four (4) 99 line batches submitted by Supra Telecom in November of 2003, 30-40 lines in each were returned as SL-2 conversions required and 1-5 were classified as non-convertible in any way. As of December 18, 2003, no reason has been forthcoming for these classifications.

Q. PLEASE COMMENT ON BELLSOUTH'S HOT CUT COORDINATION LEVELS?

A. On page 5, line 17, of Ainsworth's Direct Testimony he describes the three levels offered by BellSouth for coordinating the hot cut process. Supra has not used the level entitled "Coordinated/Time Specific" option as yet, though we contemplate doing so for our small business customers in the future.

That said, the level entitled "Coordinated" conversion normally means that all parties involved from **BOTH** sides of the conversion are in direct communication as the conversion takes place. In this case, BellSouth indicates that they will communicate internally during the conversion, and then **ATTEMPT** to contact the CLEC to notify them of the conversions completion. This is not what the industry considers "coordinated" nor is it time specific unless both carriers are communicating during the conversion.

Q. DOES BELLSOUTH'S "COORDINATED" PROCESS ALLOW THE PARTIES TO COMMUNICATE DURING THE PROCESS?

A. No it does not allow for communication during the process. As noted above, coordinated implies that all parties are communicating during the process. If BellSouth were to implement a true coordinated conversion, then the assumption of satisfactory completion would be unnecessary and any potential for an out of service (OOS) condition would be eliminated. As it is described herein, the delays input by this process could cause up to 12 hours of an OOS condition while awaiting a response from the CLEC. Furthermore, there is an assumption of successful completion; what is the process if it was not successful? This is a process not

described in any of the cutover processes described in the direct testimony. What is the rollback process if there is a problem on either side?

Q. WHAT HAS BEEN SUPRA'S EXPERIENCE OVER THE LAST TWO MONTHS OF 2003 WITH RESPECT TO THE ORDER COMPLETION STEP?

A. Supra's experience in the last 60 days with over 3,500 conversions including individual orders and the batch process, has clearly illustrated that the order completion step is the greater of two major OOS conditions encountered in the conversion process. BellSouth has no metric nor have they offered one similar to Verizon's to assure that the central office frame technician will enter completions into their systems in a timely manner. The extant of their commitment is that they will make a **BEST EFFORT** to enter the completions in less then four (4) hours. This commitment is entirely dependant upon the mood, attitude or workload of a technician that sees the CLEC as the enemy. This lack of a metric or codified process has led to completion being received by Supra Telecom as late as midnight of the conversion due date.

In contrast, Verizon requires that its technicians enter the completions every 20 orders or using their time studies, every 74 minutes. The technicians are measured and graded based on this requirement.

Q. PLEASE DESCRIBE THE LEVEL OF COORDINATION AND COMMUNICATIONS DURING AND AT THE CONCLUSION OF THE CONVERSION?

A. It is non-existent. On page 8, line 20 of Ainsworth's Direct Testimony he indicates that coordinated conversions assure the highest level of coordination and communication during the

provisioning process. What is ignored, however, is that during the most critical point in the process, the actual conversion, this coordination and communication is nonexistent. The process does not assure direct notification at the conclusion of the conversion. It only assures that an attempt will be made to notify the CLEC. This is similar to the purported best effort to enter completions into the service order system in a timely manner during un-coordinated conversions. Neither function is measured, scored or reported.

Q. IS IT TRUE THAT THE UNCOORDINATED CONVERSION IS LOW COST?

A. Ainsworth claims on page 9, line 9, that the uncoordinated conversion is low cost. The evidence demonstrates that BellSouth charges Supra $51.09, for an un-coordinated conversion. This is far from low cost. Close examination of the cost factors used to substantiate the rate used for UNE-P to UNE-L conversion NRCs, have revealed numerous Outside Plant, administrative an engineering costs loaded into the charge. These costs do not apply in the majority of the simple conversions of a customer's copper loop from BellSouth to the CLEC switch port.

Again, completion notification is the most troublesome function in the process. The notifications are in the form of "Go-Ahead Notices" sent to the CLEC on an individual telephone number (TN) basis. Supra Telecom's experience with Go-Ahead Notices is that they are received up till 9:00 PM on the due date during a normal workload day and sometimes after midnight on busy day or during periods of BellSouth system congestion. If one assumes that BellSouth technicians end their work day on or before 5:00 PM, this causes an unacceptable delay of four hours during which the customer cannot receive calls.

Q. IS BELLSOUTH'S 271 APPROVAL RELEVANT TO THESE PROCEEDINGS?

A. No, it is not relevant. On page 11, lines 11-13, BellSouth **admits** that the FCC indicated that neither the State's nor FCC's 271 approval is applicable to a situation in which CLECs will not have unbundled circuit switching or UNE-P. Therefore, Ainsworth's attempt to argue on page 9, lines 21-25, that the 271 process has already concluded that its hot cut process is adequate to eliminate UNE-P is inappropriate and legally irrelevant.

The evidence in this docket demonstrates that Supra does not have non-discriminatory access to UNE-L loops. If we did have non-discriminatory access to UNE-L loops, then why were 4 out of 99 orders classed a non-convertible in Pembroke Pines that is heavily served by IDLC. This trend has continued through 4 batch orders of 99 each.

Every process Supra has seen is geared for the business CLECs with lower volumes consisting of high capacity lines requiring coordinated conversions. The volumes required by a residential CLEC cannot be met reliably with the highly manual BellSouth processes.

Q. DOES BELLSOUTHS'S PROCESS PROVIDE FOR LOCAL LOOP VERIFICATION?

A. Despite the processes listed by Ainsworth on page 10, lines 3-15, the process does not provide for local loop verification when, due to the process chosen by BellSouth, the loop must be replaced by copper or UDLC in lieu of existing UDLC or IDLC served loops. Supra suspects that this loop replacement process is causing a 4-5% rate of NDT occurrences during conversions. Supra Telecom cannot provide actual data because BST declines to identify these customers prior to the conversion.

The notification of conversion completion must be accelerated, automated, and measured/scored in order to reduce service outages in the high volumes required.

Q. DOES THE CURRENT PROCESS PROVIDE FOR TIMELY RESTORATION OF SERVICE?

A. No. When a telephone number has been "ported in error" due to a missed appointment or cancellation. BST's current process requires Supra Telecom to submit a supplement (SUP) to the LSR and fax Form RF-3654 *(CLEC Port in Error Referral For Local Carrier Service Center).* Further, SUP LSR must be sent to BellSouth® LCSC and revised FOC received by CLEC prior to CLEC sending Modify SV to NPAC. Meanwhile, no incoming calls can terminate to the customer's telephone number. Thus, the current processes do not provide for timely restoration of service.

Q. WHEN DO CLECS PERFORM LNP PORTING, IS IT ONCE THE CONVERSION IS COMPLETE OR IS IT UPON RECEIPT OF THE BELLSOUTH COMPLETION NOTIFICATION?

A. On page 12, lines 18-19, Ainsworth creates the impression that CLECs perform LNP porting once the conversion is complete. This is not true. The CLEC does not perform the LNP porting activity once the conversion is effectuated. It does so upon receipt of the BST completion notification. This notification can be and often is hours after the conversion is completed. Due to the remote chance of an MA (i.e. missed appointment) and the difficult process involved to port a number back to BellSouth, the CLEC usually will take the safe route and await the notification.

Q. WOULD YOU AGREE THAT ECONOMIC COSTS ARE IMPORTANT TO CLECS?

A. Yes. Yes, the economic cost of conversions is very important to CLECs with large residential customer bases that produce lower revenue per line versus business accounts. That being said, BellSouth has taken the course of meeting the minimum requirements for non-discrimination at the highest cost to them and the CLEC. They are utilizing a very manual process with the built in costs of an over abundance of labor instead of developing simple automated processes and cleaning up their databases to reduce the cost while improving the process.

Contrast that to Verizon's process. They have taken advantage of existing automated processes and the Internet to improve the conversion process from beginning to end, reduce out of service time, add enhancements and reduce overall cost to the CLEC.

Q. WHAT IS SUPRA'S EXPERIENCE WITH IDLC (INTEGRATED LOOP CARRIER) MIGRATIONS?

A. Contrary to Ainsworth's claims on page 17 of his Direct Testimony, Supra Telecom's experience with IDLC is that a large number of customers experience NDT conditions on or before the conversion due date. This indicates that many of these loops are converted to straight copper or UDLC prior to the due date and few if any are tested from customer NID to the CO prior to the jumper move on the MDF.

Unfortunately we can only assume the above because BellSouth does not identify these customers to us in advance and we cannot envision how a customer conversion consisting of a "jumper ONLY move" would cause a NDT condition. This is especially true when you consider that Supra Telecom tests for dial tone prior to the due date and BellSouth tests again on the due date and is quick to point out the accuracy of the jumper conversion.

Q. GIVEN BELLSOUTH'S LIMITATIONS ON THE NUMBER OF CONVERSIONS SUPRA IS PERMITTED, WHAT IS YOUR COMMENT REGARDING BELLSOUTH'S CLAIMS, ON PAGE 18, LINES 17-25, THAT IT HAS CONVERTED OVER 600 LINES?

A. Supra would ask BellSouth to please identify the CLEC involved and the date of these 600 conversions? With this information we can determine how many customers lost dial tone and how many could not receive incoming calls beyond a reasonable LNP porting period. These are the issues that the Commission must examine.

Q. DOES BELLSOUTH'S PROJECT MANAGER, THAT WORKS WITH SUPRA, KNOW HOW TO USE THE BULK MIGRATION REQUEST SYSTEM THAT AINSWORTH DESCRIBES ON PAGE 21, LINES 15-20 IN HIS DIRECT TESTIMONY?

A. No, the BellSouth project manager does not. The process of uploading the bulk LSR orders in the form of a tab delimited text file exists in LENS. However, Supra has never been made aware of how it works or trained in its use. As noted in the question, our BellSouth Project manager does not know how to use it. Having noted this, does the system really work? As of today, Supra Telecom can only say that it continues to submit LSRs that result from the bulk process on an individual basis.

Q. WHAT DOES THE LCSC "NORMAL PROCESS", MENTIONED ON PAGE 23, LINES 1-2, INCLUDE?

A. The normal process appears to include responses to the CLEC that do one of three things: (1) Assign due dates to lines as SL-1 conversions, (2) Unilaterally designate lines as requiring the

higher cost SL-2 conversion process, or (3) Unilaterally designate lines as ineligible for conversion at all. The later two are proffered without explanation.

Q. IS THE BULK PROCESS EFFICIENT AS MEASURED BY THE TIME AND RESOURCES EXPENDED IN THE PROCESS BY A CLEC?

A. No, it is not. The bulk process allows for pre-qualification of lines to be converted helping to avoid MA, Plant Facilities (PF) issues or OOS issues. But if efficiency is measured as time and resources expended in a process Supra Telecom does not agree it is more efficient. The process adds a minimum of 17 business days to the conversion interval. (See Exhibit A) This delay causes the CLEC to have to re-qualify every line before submitting its LSRs to assure that nothing has changed on that line in the 14 business day interval. This is very difficult to do in the very short 3 day interval allowed to submit the final LSRs.

Q. PLEASE DESCRIBE SUPRA'S EXPERIENCE WITH RESPECT TO ALTERNATIVES 1 AND 3 AS OUTLINED BY AINSWORTH ON PAGE 26, OF HIS DIRECT TESTIMONY?

A. BellSouth has chosen to utilize Alternatives 1 and 3 in providing access to IDLC loops. Both alternatives require the movement of the F2 pair (customer sub-loop) to a newly assigned F1 pair to the CO or an UDLC system with spare capacity in the same CO. In theory, both of these alternatives should work well with minimal customer outages. Our experience over the last two months, however, has indicated that this is not the case. We suspect a high error rate in the BellSouth OSP assignment database is the direct cause.

Both of these alternatives require truck rolls to the remote terminal to accomplish and truck rolls to both the remote terminal and customer location to repair the 4-5% of the conversions that result in NDT. Obviously, these truck rolls increase the cost to BellSouth and they have loaded that extra cost into every conversion whether it involves IDLC or not.

In an inter-carrier planning meeting on March 5, 2003, Supra Telecom proposed that in areas of high Supra Telecom customer concentration conjoined with high concentrations of IDLC BellSouth could move or groom all the customers to 1-N remote terminals which could be demuxed at the CO and handed off to Supra at the appropriate level. A BellSouth representative then asked if we would be willing to pay some charge for any unused terminal slots if we lost customers in those units. Viewing this sunk cost as an incentive to market better and retain customers, Supra Telecom readily agreed to negotiate such a charge. This proposal was rejected out of hand without explanation YET it is almost precisely as described in Alternative 4. This is a lower cost and much more efficient alternative though not as efficient as Alternative 2 which is also very close to our proposal.

Q. PLEASE COMMENT ON STATEMENTS MADE BY RON PATE ON PAGE 3, BEGINNING ON LINE 5 OF HIS DIRECT TESTIMONY?

A. To our knowledge the CLEC is still required to submit individual LSRs as the last step in the batch migration process. The BellSouth PM (project manager) has been unable to instruct Supra Telecom Carrier Operations in the use of a batch LSR submission process. With respect to Mr. Pates testimony beginning on line 22, Supra Telecom does not consider a process dependant upon MS Excel spreadsheets and e-mail for inter-carrier communications to be fully mechanized or even partially mechanized in its most important functions.

Q. HOW DO YOU RESPOND TO PATE'S COMMENTS ON PAGE 8, BEGINNING ON LINE 17?

A. Although this bulk LSR submission process was described to Supra Telecom during its joint planning meeting with BellSouth in March of 2003, we must again state that we are unaware of how it should work or if it works at all. To date, our BellSouth PM has been unable to explain the process to Supra Telecom Carrier Operations.

Q. PLEASE COMMENT ON MR. RUSCILLI'S DIRECT TESTIMONY ON PAGE 13, LINE 22, REGARDING UNE-L LINES?

A. How many UNE-L loops are there in Florida? Ruscilli claims there are 156,746. In Mr. Ainsworth's testimony, we were told approximately 300,000.

Q. IS RUSCILLI CORRECT TO STATE THAT UNE LOOP NONRECURRING CHARGES CONSTITUTE AN ECONOMIC BARRIER ON PAGE 19, LINES 4-7?

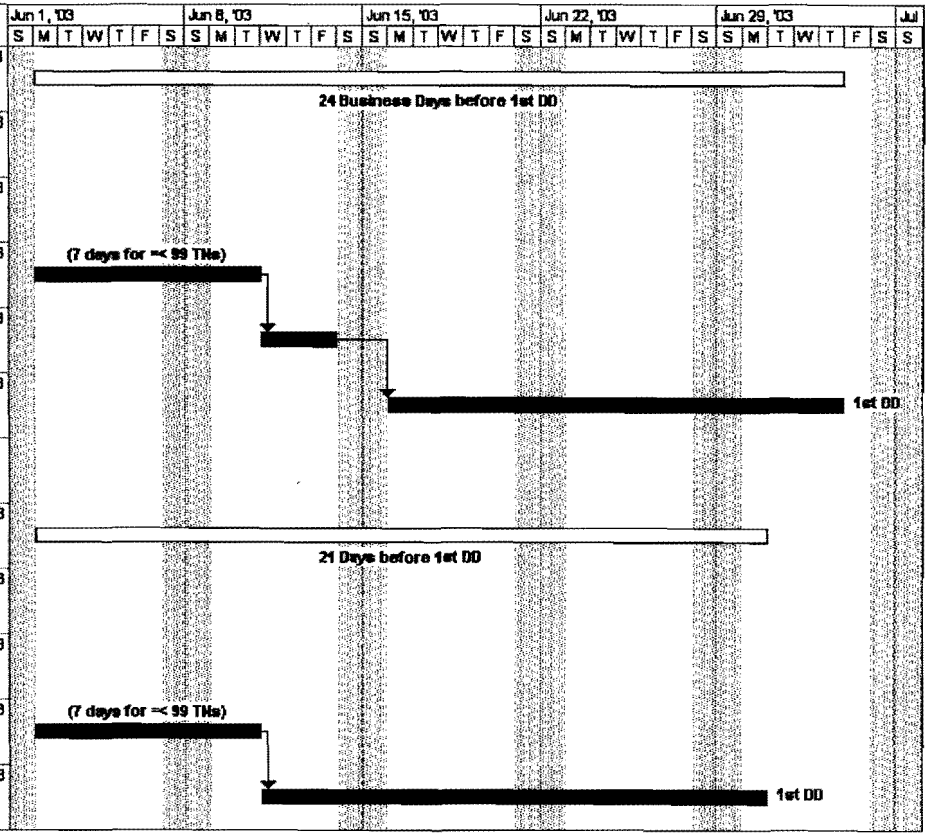
A. This is not correct. The FPSC was presented with data for the installation of a **NEW** UNE-L loop and approved same. BellSouth has never submitted cost studies or any other cost data directly related to the migration of an **EXISTING** UNE-P loop to a UNE-L loop only configuration.

Q. DOES THIS COMPLETE YOUR REBUTTAL TESTIMONY?

A. Yes it does.

Exhibit A: BellSouth Batch Hot Cut Timeline Dated March 5, 2003

ID	Task Name	Duration	Start	Finish
1	**New Schedule (as of 3/30/03)**	24 days	Mon 6/2/03	Thu 7/3/03
2	Project Manager receives TN Spreadsheet	0 days	Mon 6/2/03	Mon 6/2/03
3	Verify accuracy and pass on to SPOC	0 days	Mon 6/2/03	Mon 6/2/03
4	SPOC provides DD with earliest being 24 days from PM receipt of TN SS	7 days	Mon 6/2/03	Tue 6/10/03
5	CLEC updates BULK LSR with DDs and submits electronically to BellSouth (LCSC)	3 days	Wed 6/11/03	Fri 6/13/03
6	Earliest DD	14 days	Mon 6/16/03	Thu 7/3/03
7				
8	**Old Schedule at time of conference (3/5/03) Revised 3/30/03**	21 days	Mon 6/2/03	Mon 6/30/03
9	Project Manager receives TN Spreadsheet	0 days	Mon 6/2/03	Mon 6/2/03
10	Verify accuracy and pass on to SPOC	0 days	Mon 6/2/03	Mon 6/2/03
11	SPOC provides DD with earliest being 21 days from PM receipt of TN SS	7 days	Mon 6/2/03	Tue 6/10/03
12	Earliest DD	14 days	Wed 6/11/03	Mon 6/30/03



A F F I D A V I T

I, MARK T. NEPTUNE, am the VP Engineering & Operations of Supra Telecommunications and Information Systems, Inc., and I am authorized to make this Affidavit on behalf of said corporation. The statements made in the foregoing comments are true of my own knowledge, except as to those matters which are therein stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct this 7th day of January, 2004.

Mark T. Neptune

STATE OF FLORIDA)
) SS:
COUNTY OF DADE)

Sonia K. Kuster
MY COMMISSION # DD219568 EXPIRES
June 3, 2007
BONDED THRU TROY FAIN INSURANCE, INC.

The execution of the foregoing instrument was acknowledged before me this 7th day of January, 2004, by Mark T. Neptune, who [X] is personally known to me or who [ ] produced _____ as identification and who did take an oath.

My Commission Expires: 6-3-07

Sonia K. Kuster

NOTARY PUBLIC
State of Florida at Large

Print Name: SONIA K. KUSTER